

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



August 8, 2002

Regulation Package #0600-15

CDSS MANUAL LETTER NO. APS-02-01

TO: HOLDERS OF THE ADULT PROTECTIVE SERVICES PROGRAM MANUAL, DIVISION 33

Regulation Package #0600-15**Effective 1/23/02****Sections 33-120, 33-135, 33-510 and 33-805**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/AdultProte-612.htm>

These regulations implement and make specific Senate Bill (SB) 2199 (Chapter 946, Statutes of 1998) which requires the establishment of fully functional adult protective services (APS) systems in each county. Counties are required to provide 24-hour hotlines, emergency shelters, case management services, investigate financial abuse, maintain food sources, and provide transportation to and from emergency shelters.

A manual letter covering the main portion of these regulations was issued on October 18, 2001. The forms portion of these regulations were previously disapproved by the Office of Administrative Law because of clarity. These forms have now been approved for use. They are necessary, as existing statutes require a mandated reporter, i.e., an elder or dependent adult care custodian, health practitioner, or employee of a county APS or local law enforcement agency, to report any known or suspected physical abuse of elder and dependent adults. SB 2199 requires any mandated reporter to document any incident that appears to be physical abuse, abandonment, isolation, financial abuse, or neglect. These forms will aid in the documentation of any abuse.

These regulations were considered at the Department's public hearing held on December 20, 2000.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing APS changes was APS-01-01.

<u>Page(s)</u>	<u>Replace(s)</u>
3	3
8 and 9	8 and 9
27.1	insert Page 27.1 after Page 27
33 and 34	33 and 34
53	53

Attachments

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**ADULT PROTECTIVE SERVICES PROGRAM
GENERAL**

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33-115	ELIGIBILITY (Continued)	33-115
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.31 Section 15610.10 of the Welfare and Institutions Code states:

“‘Adult protective services’ means those preventive and remedial activities performed on behalf of elders and dependent adults who are unable to protect their own interests, harmed or threatened with harm, caused physical or mental injury due to the action or inaction of another person or their own action as a result of ignorance, illiteracy, incompetence, mental limitation, substance abuse, or poor health, lacking in adequate food, shelter, or clothing, exploited of their income and resources, or deprived of entitlement due them.”

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 2250(a) and (b), Probate Code; Sections 15600, 15610.10, 15636, 15760, and 15763, Welfare and Institutions Code.

33-120	DATA COLLECTION AND STATISTICAL REPORTING REQUIREMENTS	33-120
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- .1 Each county shall maintain a system of recording and reporting adult protective services activity data for the purpose of meeting statistical, fiscal, and program reporting as required by the Department in regulation.
 - .2 Each adult protective services agency shall submit data as required by Sections 15658(b)(1) and (2) of the Welfare and Institutions Code.
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.21 Sections 15658(b)(1) and (2) of the Welfare and Institutions Code state in part:

“(b)(1)...The information reported shall include, but shall not be limited to, the number of incidents of abuse, the number of persons abused, the type of abuse sustained, and the actions taken on the reports. For purposes of these reports, sexual abuse shall be reported separately from physical abuse.

“(2) The county’s report to the department shall not include reports it receives from the long-term care ombudsman program pursuant to subdivision (c).”

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- .3 Each adult protective services agency shall submit the required statistical reports in accordance with instructions and time frames on the SOC 242 provided by the Department.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 10809, 15658, and 15750, Welfare and Institutions Code.

33-130	DEFINITIONS	33-130
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The following definitions apply throughout this Division.

- (a) (1) “Abandonment” as defined in Section 15610.05 of the Welfare and Institutions Code.

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- (A) Section 15610.05 of the Welfare and Institutions Code states:

“‘Abandonment’ means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.”

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- (2) “Abduction” as defined in Section 15610.06 of the Welfare and Institutions Code.

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- (A) Section 15610.06 of the Welfare and Institutions Code states:

“‘Abduction’ means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.”

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- (3) “Abuse of an elder or dependent adult” as defined in Section 15610.07 of the Welfare and Institutions Code.

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- (A) Section 15610.07 of the Welfare and Institutions Code states:

“‘Abuse of an elder or a dependent adult’ means either of the following:

- “(a) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering.
- “(b) The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.”

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33-135	DEFINITIONS – FORMS	33-135
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The following forms are incorporated by reference:

(a) through (r) (Reserved)

- (s) (1) SOC 242 (Rev. 1/01) Adult Protective Services and County Services Block Grant Monthly Statistical Report
- (2) SOC 341 (Rev. 6/00) Report of Suspected Dependent Adult/Elder Abuse
- (3) SOC 343 (Rev. 6/01) Investigation of Suspected Dependent Adult/Elder Abuse

(t) through (z) (Reserved)

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 15658, Welfare and Institutions Code.

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CHAPTER 33-500 ADULT PROTECTIVE SERVICES ACTIVITIES**33-501 24-HOUR SYSTEM 33-501**

- .1** Each adult protective services agency shall provide free public telephone access to a 24-hour hotline system to receive reports of known or suspected abuse or neglect of elders or dependent adults. The service may be provided by either a toll-free number or by accepting collect calls.

 - .11** Public access to the 24-hour hotline shall include access for the deaf and hearing impaired via a Telecommunications Device for the Deaf (TDD/TTY).
 - .12** County adult protective services agencies may establish their 24-hour hotline system in cooperation with neighboring counties. Cooperating counties must enter into a written agreement that at a minimum provides for compliance with applicable federal and state laws, and identifies each county's financial responsibilities.
- .2** A county adult protective services agency may utilize private or non-profit telephone answering services to process adult protective services calls after normal working hours. In utilizing telephone answering services either:

 - .21** The answering service staff must immediately transfer all adult protective services related calls to an adult protective services worker except those clearly seeking only routine information; or
 - .22** Specially trained answering service staff may take reports of known or suspected abuse or neglect of an elder or dependent adult, that occurred prior to the date of the call, if the elder or dependent adult is not currently at risk. Specially trained answering service staff must have the following qualifications:

 - .221** Education and/or experience in providing mental health and/or crisis intervention. Each county shall establish minimum education and experience standards for this requirement, and
 - .222** Training on the adult protective services program. This training must be received within three months of employment.
- .3** At the start of each business day, answering service staff shall transmit by facsimile or electronically transfer to the adult protective services agency a written report of all adult protective services activity occurring since the previous business day. The adult protective services agency shall then follow up on all reports of past known or suspected abuse or neglect that were not directly referred to the adult protective services social worker pursuant to Section 33-501.22.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15658(a)(1), 15763(a), and 15766, Welfare and Institutions Code and 28 CFR 35.161 and .162.

33-505	INITIAL EVALUATION	33-505
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- .1 Upon receiving a report of known or suspected abuse or neglect of an elder or dependent adult, each county adult protective services worker shall determine:
 - .11 If the incident meets the definition of abuse or neglect of an elder or dependent adult; and
 - .12 If the county adult protective services agency has jurisdiction to investigate the incident.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15610.07, 15610.57, and 15650(a), (b), and (d), Welfare and Institutions Code.

33-510	RESPONSE TO REPORTS	33-510
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- .1 When a report of known or suspected abuse or neglect of an elder or dependent adult is determined to be within the jurisdiction of the adult protective services agency, documentation of an allegation of abuse or neglect shall be made on the SOC 341 provided by the Department. The adult protective services worker shall:
 - .11 If there is a report of an immediate life threat, imminent danger, or a crisis in an existing case, attempt to immediately make in-person contact with the elder or dependent adult for purposes of intake or intervention.
 - .111 Provide an immediate in-person response when the local law enforcement agency requests it.
 - .12 Respond to all other reports of danger of abuse or neglect as soon as necessary to protect the elder or dependent adult, but in no case shall the response be more than 10 calendar days from the initial report.
 - .13 Investigate all incidents of known or suspected abuse or neglect of an elder or dependent adult when a violation of the Penal Code has been alleged.
- .2 An in-person response is not required under the following circumstances:
 - .21 The adult protective services worker has made repeated attempts to locate the elder or dependent adult or their family, but has been unsuccessful.
 - .22 The elder or dependent adult has moved out-of-state or out-of-county. The adult protective services worker must report the alleged abuse or neglect to the appropriate county or out-of-state adult protective services agency.
 - .23 The elder or dependent adult is deceased and there is no indication that another elder or dependent adult is at risk.

CHAPTER 33-800 CASE RECORDS

33-805 CASE RECORD REQUIREMENTS 33-805

- .1 The adult protective services agency shall develop and maintain a case record for each adult protective services client.
- .2 Each case record shall contain:
 - .21 The SOC 341.
 - .22 All written assessments and reassessments as specified in Sections 33-525 and 33-560.
 - .23 The written service plan as specified in Section 33-535.
 - .24 Any written visitation plan prepared pursuant to Section 33-545.5.
 - .25 The chronological narrative of contacts made with, or on behalf of, the elder/dependent adult.
 - .26 Documentation of any refusal of services including, if known, the reasons for the refusal.
 - .27 Copies of all documents, relating to the client, that have been received or sent by the adult protective services agency.
 - .28 Case closure summary, as specified in Section 33-570.
 - .29 Documentation of all supervisory approvals, as specified in Sections 33-510.32, 33-535, 33-545, 33-560, and 33-570.
- .3 The case record may also contain any other information or documents that the adult protective services agency believes are necessary to maintain a proper record of the client's case.

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- .31 Example: Other information or documents may include either the SOC 343, which is voluntary, or a form that the county determines is equivalent to the SOC 343.

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- .4 Case records shall be retained a minimum of three years from the last date adult protective services were provided.
 - .41 The adult protective services agency shall retain case records longer than three years if instructed to do so by the Department because of a pending criminal or civil matter.

NOTE: Authority cited: Sections 10553, 10554, 10851, and 15763, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 10851 and 15763, Welfare and Institutions Code.

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